

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOSEPH PROTAIN, et al.,	)	
	)	
Plaintiffs,	)	CASE NO. _____
	)	
v.	)	JUDGE: _____
	)	
SYNCHRONY BANK,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant Synchrony Bank (“Synchrony”), by counsel, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, respectfully gives notice of the removal of the state court civil action captioned as *Protain v. Synchrony Bank*, pending in the Mahoning County Court of Common Pleas, Mahoning County, Ohio, Case No.: 2020 CV 01592, to the United States District Court for the Northern District of Ohio, and in support, states as follows:

**PROCEDURAL HISTORY**

1. This action is being removed to federal court based on federal question jurisdiction.
2. On or about September 30, 2020, Plaintiffs Joseph and Melissa Protain (“Plaintiffs”) filed their Complaint in the Mahoning County Court of Common Pleas, Mahoning County, Ohio, Case No.: 2020 CV 01592 (the “State Court Action”). A true and correct copy of the Complaint is attached as composite **Exhibit A**.
3. The Complaint was served on Synchrony on October 5, 2020, as evidenced by the Service of Process Transmittal attached as composite **Exhibit A**.

4. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Synchrony has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

### **GROUND FOR REMOVAL**

#### **I. Synchrony Has Satisfied The Procedural Requirements For Removal.**

5. Synchrony was served with the Complaint on October 5, 2020. Therefore, under 28 U.S.C. § 1446(b), this Notice of Removal is timely as it was filed within the 30-day deadline.

6. Concurrently with the filing of this Notice of Removal, Synchrony is giving written notice of removal to Plaintiffs (by serving Plaintiffs with a copy of this Notice of Removal, together with all exhibits) and by filing a copy of this Notice of Removal with the Clerk of the State Court pursuant to 28 U.S.C. § 1446(d). A copy of the State Court Notice of Filing of Notice of Removal, without its exhibits, is attached as **Exhibit B**.

#### **II. Removal Is Proper Because This Court Has Subject Matter Jurisdiction.**

7. United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America. *See* 28 U.S.C. § 1331.

8. Removal of such cases is governed by 28 U.S.C. § 1441(a). Section 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

9. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, because this matter involves a federal question. Namely, Plaintiffs’ Complaint asserts a claim against Synchrony for alleged violations of the Fair Credit Reporting Act (the “FCRA”), 15 U.S.C. § 1681 and the Truth in Lending Act (the “TILA”), 15 U.S.C. § 1601. *See* Complaint.

10. Plaintiffs' Complaint alleges violations of federal statutes — the FCRA and the TILA — and consequently the claims “arise[] under” the laws of the United States. *See* 28 U.S.C. § 1331. Therefore, this Court may properly exercise jurisdiction over Plaintiffs' claims.

11. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

12. Synchrony is the sole defendant, which obviates any issues concerning any co-defendant's consent, *vel non*, to the instant removal.

13. Venue lies with this Court because the State Court Action is pending in the Mahoning County Court of Common Pleas, Mahoning County, State of Ohio, which is within this Northern District. *See* 28 U.S.C. §§ 1441 and 1446(a).

WHEREFORE, Defendant Synchrony Bank, by counsel, respectfully removes this action from the Mahoning County Court of Common Pleas, Mahoning County, State of Ohio to this Court pursuant to 28 U.S.C. §§ 1441 and 1446, and requests that this Court retain jurisdiction for all further proceedings in this matter.

Respectfully submitted,

/s/ David A. Wallace  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was filed electronically on November 2, 2020.

Notice of this filing was sent by operation of the Court's electronic filing system. The parties may access this filing through the Court's ECF system.

I certify that a copy of the foregoing was also served on November 2, 2020 by First Class U.S. Mail, postage prepaid upon:

Jason Rebraca, Esq.  
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Canfield, Ohio 44406  
*Attorney for Plaintiff*

/s/ David A. Wallace  
One of the Attorneys for Defendant  
Synchrony Bank